

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ISMAEL H. PADILLA,)	
)	
Plaintiff,)	
)	
v.)	
)	
DIR. TX., PRISON SYSTEM, <i>et al.</i> ,)	
)	
Defendants.)	Civil Action No. 3:21-CV-0908-C-BH

ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge therein advising the Court that Plaintiff's *Motion to Appeal; Findings, Conclusions, and Recommendation, and Provide Info that, 28 U.S.C. § 1915(g) does Not Exists [sic] in Pro Se Litigation* should be construed as a motion to alter or amend the judgment under Federal Rule of Civil Procedure 59(e) and should be denied.¹

The Court conducts a *de novo* review of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

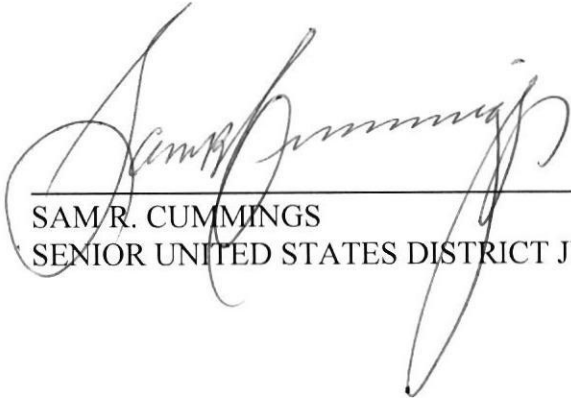
After due consideration and having conducted a *de novo* review, the Court finds that Plaintiff's objections should be **OVERRULED**. The Court has further conducted an independent review of the Magistrate Judge's findings and conclusions and finds no error. It is

¹ Plaintiff has filed a "Motion to Rebutt and Appeal the Discriminatory Issues"—which the Court construes as the filing of objections to the Magistrate Judge's Findings, Conclusions, and Recommendation.

therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein, the Court **ORDERS** that Plaintiff's Motion—construed as a motion to alter or amend the judgment under Federal Rule of Civil Procedure 59(e)—is hereby **DENIED**. The Clerk of Court is directed to **STRIKE** the Court's Order of June 29, 2021.

SO ORDERED.

Dated July 19, 2021.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE